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O 071540Z APR 08  
FM AMEMBASSY HARARE  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2718  
INFO RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
RUEHAR/AMEMBASSY ACCRA 1892  
RUEHDS/AMEMBASSY ADDIS ABABA 2015  
RUEHRL/AMEMBASSY BERLIN 0585  
RUEHBY/AMEMBASSY CANBERRA 1292  
RUEHDK/AMEMBASSY DAKAR 1649  
RUEHKM/AMEMBASSY KAMPALA 2071  
RUEHNR/AMEMBASSY NAIROBI 4502  
RUEAIIA/CIA WASHDC  
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK  
RHMFISS/EUCOM POLAD VAIHINGEN GE  
RHEFDIA/DIA WASHDC  
RUEHGV/USMISSION GENEVA 1147  
RHEHAAA/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000287

SIPDIS

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AF/S FOR S. HILL  
ADDIS ABABA FOR USAU  
ADDIS ABABA FOR ACSS  
STATE PASS TO USAID FOR E. LOKEN AND L. DOBBINS  
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR B. PITTMAN

E.O. 12958: DECL: 04/07/2018

TAGS: [PGOV](#) [PHUM](#) [ASEC](#) [KDEM](#) [CASC](#) [ZI](#)

SUBJECT: SITUATION REPORT: ZIMBABWE CALM AS HIGH COURT  
DELAYS RULING

REF: HARARE 274

Classified By: Ambassador James D. McGee for reason 1.4 (d)

11. (SBU) Harare's residents remain calm and continue to go about daily activities despite entering a ninth day of waiting for the results of Zimbabwe's presidential contest. The High Court ruled on April 7 that it does have jurisdiction in a petition brought by the opposition MDC to compel the Zimbabwe Electoral Commission (ZEC) to release its official results. The High Court is expected to rule on April 8 whether the case is urgent enough to require an immediate ruling. If the court rules in the affirmative, then the process of hearing the merits of the case would begin, suggesting that a final ruling would be at least a few days away.

12. (SBU) Some opposition supporters have expressed doubt that the court would act quickly to require ZEC to release the results, particularly in the wake of an announcement by the government mouthpiece, The Sunday Mail, that ZANU-PF is calling for a recount of 16 constituencies due to "miscalculations" during the compilation of votes. The MDC and civil society groups have questioned how the Mugabe regime could state that a recount was necessary without having had access to the results, a tally which ZEC has repeatedly claimed is ongoing. ZANU-PF is widely rumored to have insider information, bringing the ZEC's independence into question.

13. (SBU) Amcit National Democratic Institute staffer Dileepan Sivapathasundaram, who was detained for questioning at Harare International airport by the Central Intelligence Organization on April 3 and released on April 4, was not charged with any offense but was required to check in with police on April 5 and April 7. On April 7 he spent the day at Harare Central Police Station waiting to receive his passport and permission to leave Zimbabwe; however, he had not received permission for either by close of business.

Amcit New York Times journalist Barry Bearak, who was arrested on April 4 and charged with practicing journalism without accreditation during an election, appeared in magistrate's court on April 7 and was granted bail. He was to be transferred to a private clinic for a medical checkup; his next court appearance was set for when April 10.

¶4. (C) Ambassador called Reserve Bank Governor Gono on April 7 to express outrage over the treatment of Bearak and Sivapathasundaram and urge the government to release them unconditionally. Gono later called Ambassador to say he was on his way to speak with President Mugabe about the two Americans.

¶5. (SBU) While most Zimbabweans remain patient as all eyes turn to the courts, the Commercial Farmers Union reported the seizure of and attack on a number of white-owned commercial farms by war veterans (ZANU-PF supporters) in Masvingo and Mashonaland. There have been no reports of violence during any of the incidents. The seizures come in the wake of rumors printed by government newspapers claiming white farmers were returning to Zimbabwe to retake their farms if opposition leader Tsvangirai became president (reftel).

¶6. (SBU) COMMENT: Whether this latest move by ZANU-PF to delay the announcement of official results is a tactic to wait out the interest of the international community and the will of the Zimbabwean people, as opponents have charged, has yet to be seen. While urban Zimbabwe remains calm, land seizures in the rural areas raise questions over whether tensions are rising as the wait for results persists into a second week. END COMMENT.

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MCGEE